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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/688,533	10/16/2003	Oliver Luz	10191/3405	2134
26646 7590 07/24/2008 KENYON & KENYON LLP ONE BROADWAY NEW YORK, NY 10004				
EXAMINER MURALIDAR, RICHARD V				
ART UNIT 2838		PAPER NUMBER		
MAIL DATE 07/24/2008		DELIVERY MODE PAPER		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/688,533

**Applicant(s)**

LUZ ET AL.

**Examiner**

RICHARD V. MURALIDAR

**Art Unit**

2838

**Period for Reply** -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 17 August 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-3,6-8,10-12 and 15-18 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-3,6-8,10-12 and 15-18 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 16 October 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date 01/18/2008
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

DETAILED ACTION

***Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103[a] which forms the basis for all obviousness rejections set forth in this Office action:

[a] A patent may not be obtained though the invention is not identically taught or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-3, 6-8, 10-12, and 15-18 are rejected under 35 U.S.C. 103[a] as being unpatentable over Marusak [U.S. 20040048142] in view of Larson [U.S. 6690140] in further view of Hatton [U.S. 5739737].

With respect to claim 1 [Currently Amended], Marusak teaches a vehicle electrical system [pars. 0001-0002] powered by a battery [Fig. 1 battery 12] to supply a plurality of loads [par. 0011 lines 1-4; par. 0033 lines 1-5; Fig. 2 power feed output connectors 80, 82, 84, 86], comprising: an integrated module [Fig. 1, power management and distribution assembly 10] positioned between a positive terminal of the battery and the plurality of loads [par. 0031 lines 1-5], the integrated module having: an arrangement for detecting a state of charge of the battery [par. 0010 lines 1-5, par. 0043 lines 8-12] and including a battery current measuring device [par. 0030 lines 1-6], and a terminal at which a generator is connectable [Fig. 2, the generator/alternator connects to either the battery positive terminal 16 or any of the power connectors 96-110; par. 0034]; one of a battery disconnecting switch [Fig. 2, cutout switch assembly 58; par. 0031] and a battery disconnecting fuse [Fig. 5, any of fuses 70; par. 0008 lines

1-5; par. 0011 lines 1-4; par. 0033] situated between the battery and the terminal; a control unit for power management [Fig. 5, energy management module 56; par. 0030] of the vehicle electrical system; at least one supply output for supplying power to the loads [pars. 0033-0034]; a fuse module [housing portion 18 contains fuses 70, as shown in Fig. 2] having an input, a plurality of supply outputs, and a plurality of fuses [Fig. 2, fuses 90, 92, 94] that connect the plurality of supply outputs to the input [par. 0033]; wherein a terminal of the integrated module is connected to the input of the fuse module, and wherein the plurality of supply outputs of the fuse module provide power to the plurality loads [Figs. 1 and 2, pars. 0031-0033], wherein the integrated module further includes an electronics unit for **at least one** of diagnosis of the generator [Figs. 1 and 5, 56 in conjunction with 58; par. 0029 lines 1-3; **par. 0010 lines 1-5 teaches diagnostics of the battery, which is effectively the same as diagnosis of the generator**; par. 0043 lines 8-14; the output of the battery is regulated to provide an output in a safe range; beyond that range, the safety circuits cut the battery off to protect it].

Marusak does not disclose an electronics unit for regulation of the generator, or a detection arrangement for diagnosis of a state of at least one of the fuses.

Marusak and Larson are analogous vehicle electrical system modules for managing power.

Larson discloses the vehicle electrical system wherein the integrated module [Fig. 2, ESC 30 is a module] further includes an electronics unit for at least one of regulation and diagnosis of the generator [col. 3 lines 43-53 describes how ESC 30, in

combination with other controllers, execute a battery management program that regulates and diagnoses the battery/ pack by making adjustments to the generator output. Since the battery is directly connected to the generator, the generator output is also effectively diagnosed].

At the time of the invention it would have been obvious to one of ordinary skill in the art to add the generator regulation/diagnostics feature found in Larson's module to Marusak's module, for the benefit of providing an integrated means for the vehicle electrical system to regulate and diagnose the battery/generator, and so increase/decrease the rate of charging as required. This is a necessary requirement for any type of vehicle that could conceivably impact human safety [such as today's automobiles] or lead to equipment damage [an overcharged battery could result in an explosion]. Diagnosing the generator's charging of the battery is of paramount importance, as neglecting this can lead to battery overheating, sulfation, and reduced battery life- Larson, col. 1 lines 40-65]. Marusak and Larson do not disclose a detection arrangement for diagnosis of a state of at least one of the fuses.

Marusak, Larson, and Hatton are analogous vehicle electrical system modules for managing power.

Hatton discloses an integrated module [Fig. 1, blown fuse indicator module 10] with a detection arrangement for diagnosis of a state of at least one of the fuses [col. 2 lines 47-64; col. 4 lines 18-63].

At the time of the invention it would have been obvious to one of ordinary skill in the art to add Hatton's blown fuse indicator module to Marusak's fused power management module, as modified by Larson.

The benefits for doing so would be to enhance convenience to the user in locating the blown fuse [Hatton, col. 1 lines 24-36], and allow the user/technician to be more effective in diagnosing malfunctions, which would result in reduced downtime for the vehicle and reduced cost to the user.

The following applies to the placement of ALL of the above limitations of amended Claim 1 into one integrated module:

Additionally, the examiner notes that the concept of taking multiple common automobile components and forming them into one module is in general only a simple modification; since it has been held that forming in one piece an article which has formerly been formed in two pieces and put together involves only routine skill in the art. ***In re Larson*, 340 F.2d 965, 968, 144 USPQ 347, 349 [CCPA 1965]. See MPEP 2144.04.**

With respect to claim 2 [Original], Marusak discloses that the arrangement for detecting the state of charge of the battery includes a battery current meter [par. 0030].

With respect to claim 3 [Original], Marusak discloses a battery voltage sensor located outside the integrated module [par. 0041, input pins for voltage sensing, from outside the module], wherein the arrangement for detecting the state of charge of the battery includes a battery voltage meter that cooperates with the battery voltage sensor. [Voltage meters for the visual determination of battery/charging voltage levels are

conventional to the automotive industry, as illustrated by Baker (U.S. 5737168), col. 2 lines 19-36].

With respect to claim 6, [Currently Amended] Marusak discloses a switch [Fig. 2, cutout switch assembly 58; par. 0031] provided within the fuse module [housing portion 18 is the module that contains fuses 70, as shown in Fig. 2], wherein the switch enables selective connection and disconnection between at least one of the plurality of fuses and an associated load.

With respect to claim 7 [Original], Marusak discloses a plurality of fuses; wherein the integrated module has a plurality of supply outputs, and wherein the plurality of fuses connect the plurality of supply outputs to the battery, whereby power is provided via the plurality of supply outputs to the plurality of loads [pars. 0031-0033].

With respect to claim 8 [Original], Marusak discloses a switch [Fig. 2, cutout switch assembly 58; par. 0031] provided within the integrated module, wherein the switch enables selective connection and disconnection between at least one of the plurality of fuses and an associated load [pars. 0031-0033].

With respect to claim 10 [Original], Marusak discloses a relay [Fig. 1, relays 64-66]; wherein the integrated module has a terminal for connection to a starter of the vehicle [Fig. 1, battery positive terminal 138; or any of power feed output connectors 80, 82, 84, 86 in Fig. 2], and wherein the relay is situated between the battery and the terminal of the integrated module.

With respect to claim 11 [Original], Marusak discloses a communications interface [par. 0030, CAN interface] for the integrated module; wherein the control unit

for power management is in contact with at least one of the plurality of loads of the vehicle electrical system and an additional control unit [par. 0029, energy management subassembly 56] of the vehicle via the communications interface for the integrated module.

With respect to claim 12 [Original], Marusak discloses that the communications interface is a bus interface [par. 0030, CAN interface is a bus interface].

With respect to claim 15 [Original], Hatton discloses that the integrated module further includes a detection arrangement for diagnosis of a state of at least one of the fuses [Fig. 1, blown fuse indicator module 10; col. 2 lines 47-64; col. 4 lines 18-63].

With respect to claim 16 [Original], Marusak discloses that the integrated module further includes a DC-to-DC converter [par. 0043].

With respect to claim 17 [Original], Marusak discloses that the integrated module further includes at least one circuit breaker [Fig. 2, cutout switch assembly 58; par. 0031].

With respect to claim 18 [Original], Marusak discloses that the circuit breaker enables selective connection and disconnection of one of a single load and a plurality of loads from the integrated module [Fig. 2, cutout switch assembly 58; par. 0031. This switch can connect and disconnect single or multiple loads, depending on how many loads are (one or more) are connected to the power management module 10].

### ***Response to Arguments***

Applicant's arguments filed 04/24/2008 have been considered but they are not persuasive. The examiner's stance on any perceived differences between regulation of



a battery and regulation of a generator is already of record. Additionally, Marusak discloses in lines 1-5 of par. 0010 that **"the energy management subassembly accomplishes functions such as emitting a diagnostic output signal representative of a measured condition of the battery, generating an overload signal in the event that the maximum operating parameters of the battery have been exceeded"**, such as, for example, the charging rate of the battery. A failure in the regulation output of the generator will result in either an overcharged or undercharged condition of the battery, which is a direction indication of failure of the generator's regulator. Therefore, to diagnose the "battery's maximum operating parameters" as taught by Marusak in par. 0010 is to diagnose the output of the generator. One of ordinary skill in the art would know this.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to RICHARD V. MURALIDAR whose telephone number is (571)272-8933. The examiner can normally be reached on 9:00-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Akm E. Ullah can be reached on 571-272-2361. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2838

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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7/06/2008